

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANDRE WAUL,

Plaintiff,

9:05-CV-0024

vs

JOHN E. CUNNINGHAM, JR., MD; DANNY
PREOCANIN, Physical Therapist; MITCHELL
RUBINOVICH, MD; COREY, Corrections Sgt.;
BAILEY, Corrections Officer; MARGE BYRNES,
Regional Health Services Administrator; E. SOTILE,
Facility Health Services Director, Fishkill Correctional
Facility; I. ASSEFI, M.D.; and DELESSIO, Physical
Therapist,

Defendants.

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APPEARANCES:

OF COUNSEL:

ANDRE WAUL
Plaintiff, *pro se*
78-A-2915
Fishkill Correctional Facility
Box 1245
Beacon, NY 12508

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and Preocanin
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MATTHEW J. KELLY, ESQ.

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Andre Waul, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated March 16, 2009, the Honorable David R. Homer, United States Magistrate Judge, recommended that defendants' motions for summary judgment (Docket Nos. 153 and 161) be granted and that judgment be entered for all defendants on all claims. The plaintiff has timely filed lengthy objections to the report-recommendation.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Homer, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

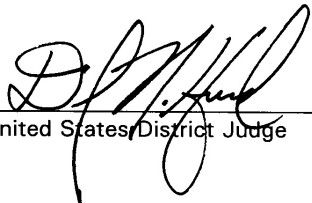
Accordingly, it is

ORDERED that

1. Defendants' motions for summary judgment are GRANTED;
2. The complaint is DISMISSED;
3. The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: August 4, 2009
Utica, New York.


United States District Judge